United Nations CERD/C/ITA/CO/19-20/Add.1

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
9 February 2018

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined nineteenth and twentieth periodic reports of Italy

Addendum

Information received from Italy on follow-up to the concluding observations*

[Date received: 8 December 2017]

* The present document is being issued without formal editing.

GE.18-02015(E)

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1. As reported in paragraph 33 of CERD Concluding observations on the combined nineteenth and twentieth periodic reports of Italy, at its 2513th meeting, held on 8 December 2016, it adopted the present concluding observations (CERD/C/ITA/CO/19-20), Italy is pleased to provide the following updated information and to reiterate the commitment to propose to and involve the members of the CERD Committee on the occasion of a future events concerning the main issues under its mandate, to be held in 2018, due to several periodic reporting and monitoring activities managed by the Italian Authorities throughout 2017.

Para. 17. Taking into account its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:

(a) Investigate all reported acts of racist hate crimes, prosecute and punish those found responsible with sanctions commensurate with the gravity of the offence and provide effective remedies to victims.

2. In Italy, based on the law enforcement agencies' data recording system, crime victims' reports and police interventions flagrante delicto implying the arrest and/or the report without arrest, are stored by the operators in an ad hoc database — SDI (investigation system) — with the mention of the legal provision which has been allegedly infringed. The data concerning the categories of discrimination on the grounds of ethnicity, nationality, race, religion or relating to national linguistic minorities, are filed in the database with the mention of the criminal legislation violated but without distinction of the related bias motivations. When a crime (e.g., on grounds of sexual orientation, gender identity …) relates to categories which are not specifically covered by criminal legislation, it is stored by the law enforcement agencies in the SDI database as a common crime (e.g., threat, injuries, damaging, etc.).

3. The SDI criminal police data collection activity (i.e. the "official" Italian Police agencies criminal data collection) is carried out with reference to both Art. 3 of Act No. 654/1975, regarding, amongst other things, hate speech, namely the propaganda of ideas based on superiority or racial hate and the incitement to racist discrimination or racist violence, as well as the aggravating circumstance included in Art. 3 of Act No. 205/1993).

4. Moreover Observatory for the Security against Discriminatory Acts — OSCAD, in its monitoring activity, includes also other kinds of criminal offences such as discriminatory conducts on the grounds of sexual orientation and gender identity and the General Directorate of Statistic of the Ministry of Justice is in charge for the collection of criminal data, with specific focus on criminal offences categories.

5. Also the National Office against Racial Discrimination (UNAR) prevents discriminatory behaviour through mass media awareness and communication campaigns, educational and information activities in schools and workplaces. Moreover, the Office publishes opinions and recommendations on its website, spreads information and raises awareness of the anti-discrimination legislation and the rulings of national and supra-national courts, in order to ensure victims by protection and data-collection exercises.

6. In order to contrast hate speech on the media and on social network, the Office has recently set up a new tool: the Media and Social Network Observatory, setting the goal to research, monitor and analyze daily potentially discriminatory content from by the major social networks (Facebook, Twitter, GooglePlus and Youtube), and social media (articles, blogs and comments Forum). The Observatory, to be financed with ordinary funds from the UNAR, officially started in January 2016, with a two-fold aim: first, the need to find hate speech online and report it for removal. Secondly, to analyze, learn and understand. It is supplied with a software, which works on the basis of a set of search keywords, selected by the Office and based on data from scientific literature and from the practical experience of the Office's work against discriminations.

7. Thousands of contents are analyzed day-by-day: a substantial part of the contents is catalogued and included in thematic reports (hate speech and politics, hate speech and Roma people, migrants, etc.) and another part, which numerically represents a lesser proportion but, equally, considered of a strongly discriminatory nature is reported to the social networks for the-removal or to the-law enforcement for investigation and prosecution.

8. A close cooperation has been established with OSCAD by signing a Memorandum of Understanding, that defines the cooperation between the two Offices so as to optimize their results. According to the Memorandum, UNAR forwards to OSCAD any case of discrimination liable for prosecution reported to its contact Center, whereas OSCAD sends to UNAR any report received not liable for prosecution.

9. In order to contrast racial stereotypes on the media, UNAR keeps working with various stakeholders, including Carta di Roma.

10. Finally, on 15–16 November 2017, the Youth Department of the Council of Europe and UNAR organized, in Rome, a Training Seminar on combatting anti-gypsyism and online hate speech (two and half days training course and a half-day strategic meeting). The Seminar, organized under the Roma Youth Action Plan of the Council of Europe, is aimed to support participants to develop their capacities and responses to counter the effects of discrimination and racism and will support Roma youth participation in all areas of society.

Para. 20. The Committee recommends that the State party:

(b) Decriminalize all instances of irregular re-entry or stay;

(g) Strictly observe the principle of non-refoulement and amend expulsion procedures to ensure that no individual is expelled without an individualized assessment that the person will not be at risk of serious human rights violations upon return.

11. A comprehensive overview on the situation of migrants, asylum seekers and refugees is reported as follows.

First line reception (hotspots)

12. Italy highlights that all hotspots are regulated by the existing standard operational procedures (S.O.P.) which have been drawn up and fully shared with all involved stakeholders (Italian authorities, UNHCR, IOM EASO, FRONTEX and EUROPOL representatives) in the first reception of third country nationals upon disembarkation.

13. This procedure effectively offsets the need of a correct identification of third country nationals with the due guarantees of their rights and provides many answers to the various observations of the OHCHR report, as summarized below:

- Information on the access to asylum given to third country nationals are provided in a clear and comprehensive way, using languages understandable to foreigners; supplemental information are provided to each step of asylum process and/or relocation procedures;
- A specific S.O.P. Coordinating and Monitoring Table, where also UNHCR and OIM representatives are included, has been established in Rome and is tasked with providing operational solutions in case of possible criticalities arising in the course of first reception of third country nationals, from disembarkation to their transfer to the reception centers. SOPs are being reviewed in order to better fit the needs that have emerged during the first period of their application;
- Thanks to its team-building feature, the hotspot approach is provided with a built-in monitoring system which allows to identify difficulties deriving from each actors and therefore to alert the Table in Rome;
- The presence of operators, both male and female, is always assured during security checks;

- The assessment of vulnerabilities, being of the utmost importance, is regulated by specific operational provisions: in each hotspot area it is possible to ascertain all different types of vulnerabilities such as trafficking victims (women), unaccompanied minors, persons affected by mental disorders and other;
- Special attention to human rights of migrants is given during the nationality identification procedures where the access to international protection is always guaranteed regardless the nationality ascertained or declared;
- Drinkable water and food are provided as soon as third country nationals are disembarked and all operators at ports or inside the facilities are able to provide additional assistance promptly;
- Hotspot personnel includes cultural mediators, legal advisors, psychologists, operators for the assistance to unaccompanied minors;
- Both hotspot and international organization/NGOs' personnel is highly qualified and specifically trained to carry out all operations required (the Italian Ministry of the Interior has recently organized specific training courses for hotspot operators);
- Medical care is regularly provided at the presence of a cultural mediator.

National Reception System for asylum seekers and refugees

14. The new law in force, i.e. the Legislative Decree No. 142/2015, worked out a new structure of the reception system taking into account the concrete needs required by the strong migratory pressure of these last years and the subsequent need for a better management of this phenomenon (by involving local authorities too) ensuring full respect of human rights of migrants.

Access to reception conditions

15. In Italy reception conditions are guaranteed in all kinds of centers and facilities. Art. 1§2 of the Legislative Decree No. 142/2015 envisages that the reception conditions are applicable since the moment of the manifestation of the will to apply for international protection.

16. In conformity with the relevant modifications introduced by the above mentioned Decree No. 142/2015, all applicants receive a permit of stay for international protection. Moreover, the receipt certifying the submission of the application, released at the moment of the formalization of the application, constitutes a valid temporary permit of stay (Art. 4§3 of the Legislative Decree No. 142/2015) enabling access to all related services provided by this type of document.

17. Actually asylum seekers are hosted in the Italian reception system before the formalization of their application. Indeed, after landings in hotspot areas, asylum seekers are transferred to the reception centers in order to formalize their application for international protection. Afterwards asylum seekers are transferred to the SPRAR (Protection System for Refugees and Asylum Seekers) centers that have appropriate facilities belonging to the second level of reception which offer not only comfortable accommodations but enable asylum seekers to benefit a highly qualified reception including education, vocational training, Italian language courses, legal counselling, medical assistance and psychological support.

18. The SPRAR is considered a best practice as it proved to be a successful model of reception thanks to its some key characteristics:

1. Small groups, usually ten to twenty persons, if possible families, and special projects for unaccompanied minors and vulnerable people;
2. Distribution across the country by ANCI (National Association of Italian Municipalities) in small areas;
3. Organization of specific projects jointly managed by the local municipality in collaboration with the third sector.

Access to social services and employment

19. In conformity with Art. 9§2 of the Legislative Decree No. 286/1998 (Consolidated Text on Immigration), as amended by Legislative Decree No. 3/2007 implementing EU Directive 2003/109 on the status of Third Countries nationals having a long term residence permit, the following conditions are envisaged:

(a) The access to the national territory without a visa and the free movement, in compliance with Art. 6§6;

(b) The performance of an autonomous or subordinate work (out of special working options for citizens or no citizens);

(c) The access to social assistance and security services, healthcare and education services, public services and public housing.

20. Access to social and health services is equally envisaged for refugees and individuals under international protection and their families according to the Legislative Decree No. 25172007, and for stateless persons residing regularly on the Italian territory in terms of public assistance and social security in compliance to Act N. 306/1962 ratifying the UN Convention on statelessness.

21. Moreover all foreigner nationals with residence permit issued for more than one year have equal access to social services according to Act No. 388/200, completed by several indemnity facilities for persons with disabilities.

22. Finally foreign workers have equal access to social security services (i.e. in case of illness, maternity, disability, and elderly, injury at work and related illness, unemployment, early retirement and family services) as provided for in the Legislative Decree No. 40/2014 translating EU Directive 2011/98.

Integration

23. The beneficiaries of international protection have the same rights as Italian citizens; equal access to training courses, to job placing offices, housing services, health assistance, school for children and so on. In line with the EU Directive on reception conditions, Art. 22 of the Legislative Decree No. 142/2015 allows entrance in the labor market after only two months (before it was six months) once the application for international protection has been submitted, although it cannot be transformed into a work permit.

24. The beneficiaries of international protection are granted a residency permit for five years, which is renewable and can be transformed into work permit. They enjoy equal treatment as natives in term of paid employment, self-employment and inclusion on professional registers, vocational training and on-the-job-training. According to the agreement among State, Regions and Autonomous Provinces regulating access to the National Health system for foreigners, both applicants and beneficiaries of international protection can have access to the National Health System and are entitled to receive medical care regardless the domicile indicated in their permit of stay, being enough a self-declaration of place of stay or a declaration of hospitality. For asylum seekers and beneficiaries the Legislative Decree No. 251/2013 and its subsequent amendments, envisages equal treatment in terms of access to employment (for public employment are envisaged the same restrictions existing for EU citizens) welfare and housing.

25. Italy is adopting a National Integration Plan pursuant to Art. 29§3 of the Legislative Decree No. 251/2013. The National Coordination Board established at the Ministry of the Interior is working out the Plan that plays a fundamental role in defining, inter alia, a unified and comprehensive strategy and provides for effective tools to make it possible for beneficiaries of international protection to overcome their initial position of substantial disadvantage, promoting their real integration by offering equal opportunities to gain access to the economic and social system in Italy.

26. The National Integration Plan, based on contributions offered by both national and local authorities, will focus primarily on aspects concerning methods for beneficiaries to achieve autonomy. The Plan should therefore provide the framework for national integration-oriented policies in the field of housing and job employment.

27. It is important to consider greater involvement by local authorities, and in particular social services, in the integration of individuals accommodated in reception centres. It therefore seems appropriate, on the one hand, to promote access to housing, in accordance with the applicable legislative provisions, and, on the other hand, to support the transition of asylum seekers and beneficiaries of protection through local volunteer activities, as indicated in the Circular of November 27, 2014 issued by the Head of the Department of Civil Liberties and Immigration of the Ministry of the Interior.

28. The National Integration Plan is also intended to stimulate the development of unified guidelines in the different regional contexts for measures intended to promote easy and effective access to medical care and vocational training. In this regard, in terms of job orientation, a useful support is given from specialised operators in the labour market (in particular, the regional agencies with jurisdiction in terms of vocational training and job employment), who support migrants in their steps towards economic and social integration

29. On 22 June 2016 the Ministry of the Interior and the Confederation of Italian Industry (Confindustria) signed a Memorandum of Agreement (MoA) to promote vocational training and job-start schemes for beneficiaries of international protection which are hosted in the National Reception System for Refugees and Asylum Seekers (SPRAR). The MoA, a cooperative relationship between private and public sectors, aims at offering concrete opportunities to refugees to start a job-oriented pathway, by means of traineeships in enterprises and in-company placement. Confindustria committed itself to promoting and sponsoring the initiative amongst its associated companies which will offer — on a voluntary basis — their needs and availabilities, while the Ministry of Interior will identify the refugees (hosted in the SPRAR) eligible for the traineeship according to the geographical areas and in full respect of transparency and non-discrimination principles. The gradual inclusion of beneficiaries of international protection in the labor market, through the matching of specific manufacturing needs and job skills, is expected to make a vital contribution for the full integration of the refugees in the new country. Language courses for beneficiaries and applicants are organized at a local level and are financed by the AMIF (EU Fund for Asylum, Migration and Integration); in Italy all minors (both foreign unaccompanied and accompanied) have access to the national education system.

30. As it concerns the full implementation of the principle of "non refoulement" in compliance with international norms has been always granted by Italy: it should be underlined that when a migrant rescued at sea expresses the intention to apply for asylum or other forms of international protection on board an Italian vessel, he is not returned to the country of departure but he is brought to Italy. Avoiding any "push-back" practice Italy is now, more than ever, strongly committed in search and rescue activities (SAR) at sea, very often far beyond its area of responsibility, ensuring the rescue of migrants onto the Italian territory.

Para. 22. Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:

(a) Halt any plans to carry out further evictions of Roma, Sinti and Camminanti communities or to establish new segregated camps or segregated housing areas that separate them from the wider society;

(b) End the use of segregated camps and ensure the provision of adequate and culturally appropriate accommodation to Roma, Sinti and Camminanti as a matter of priority.

31. UNAR is a member of the European Network of Equality Bodies (EQUINET) and it is the National Contact Point for the implementation of the National Strategy for the inclusion of the Roma, Sinti and Camminanti Communities 2012–2020. On the occasion of the International Roma Day on 8 April 2016, UNAR convened an inter-institutional Working Group, consisting of central Administrations, the National Association of Italian Municipalities (ANCI), the National Office of Statistics (ISTAT) and representatives from the Municipalities of Milan, Rome, and Naples. This operational and result-oriented

meeting was intended for getting a clear picture of relevant actions, especially those measures aimed at overcoming "settlements", carried out in line with the National Strategy, by each and every stakeholder.

32. Three were the main issues at stake and subject to prioritization:

- Strengthening UNAR's role with regard to coordination of policies to implement the National Strategy (with regard to education, labour, health, and housing);
- The recognition of the effective overcoming of the "settlements" system, to be intended as a priority objective of each action and measure;
- The commitment to ensure complementarity between — and in the use of — national, regional, local funding vis-à-vis European Operational Programs (EOP-Inclusion, EOP-Metro, EOP-Schooling).

33. Positive experiences must be reported with regard to several municipalities, including, among others, Bologna, Padua, Turin, Messina, Genoa, Florence, Pistoia, Venice and Lucca.

34. On 14 February 2017 UNAR convened a second meeting in Naples, with the participations of "Città Metropolitane" (14 large Municipalities: Bari, Bologna, Cagliari, Catania, Florence, Genoa, Messina, Milan, Naples, Palermo, Reggio Calabria, Rome, Turin, Venice), ISTAT, ANCI, and the Territorial Cohesion Agency, to discuss the problems experienced in the territories and to understand how to make better use of financial resources, with the aim of overcoming settlements.

35. At the moment UNAR is monitoring the process of overcoming settlements in some major municipalities.

36. In application of the request of the European Commission, in order to facilitate the participatory process of RSC communities and NGOs "PRO-Roma", UNAR announced, on 8 April 8 2016, the launch of the National Platform for Dialogue with Civil Society (Roma National Platform), aiming to stimulate co-operation between institutions and organisations representing Roma, with specific regard to Roma youth. First year activity includes a series of national and local meetings, with the participation of associations, on the basis of their adherence to a public manifestation of interest. 79 associations — whose membership requests were conformed to the decided requirements — are permanently invited to the meetings.

37. On 19 September 2017 (the first meeting was held on 28 June 2017), 53 associations attended to the first official meeting of the Platform and voted for one candidate, as a delegate for each of the 10 tables/working groups provided in the National Strategy for Inclusion of Roma, Sinti and Camminanti 2012–2020. During the meeting it was decided to set up a thematic Study Group to accompany the delegates in Tables and Working Groups, to explain the criticalities and bring out the proposals to the competent authorities. In the same date, there was also a restricted meeting, reserved to the associations formed in the RSC Community Forum (as envisaged in the Decree establishing the Platform). This group interacts with the National Contact Point, to define specific issues related to identity, anti-nationalism, discrimination, criticality of people's impact (settlements, situations of specific realities such as the theme of school inclusion of the young Camminanti).

38. Constant contacts between NCP, Platform and Forum associations (to be convened on 21 December 2017) will be maintained for the planning of bilateral meetings and the discussion of priority issues, to be deepen within the National Tables and Working Groups.

39. Some of these issues will be addressed in thematic meetings that will include relevant institutions and administrations:

- Housing: overcoming the fields and expelling;
- Recognition of the RSC historical-linguistic minority;
- Roman culture promotion;
- Knowledge of the story and theme of Porrajmos — involvement of young RSCs.

40. UNAR has also signed, as a beneficiary, an agreement with the Ministry of Labour and Social Policies, for the implementation of interventions on the PON Inclusion 2014–2020 co-financed by the European Social Fund. The planned interventions are aimed at increasing the employability and active participation of the most vulnerable people and the socio-economic integration of marginalized communities such as Roma. It's worth to mention the new procedure for the awarding of service "Pilot interventions for the creation of tables and stakeholder networks affecting the PON Inclusion 2014–2020, that is finalised to promote the participation of Roma in social, political, economic and civic life" (http://www.unar.it/unar/portal/?p=8519).